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MEMO ENDORSED

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June 27, 2025

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Via ECF

Hon. Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Delphi CRE Funding LLC v. Beavor*, Civil Action No. 1:25-cv-03906-RMB

Dear Judge Berman:

We represent Plaintiff Delphi CRE Funding LLC (“Delphi”) in the above-referenced action and write pursuant to the Court’s Individual Rule 1.E. to respectfully request (i) an adjournment of the deadlines to submit a proposed discovery plan and serve initial disclosures, as well as a stay of discovery, while the parties’ dispositive motions are pending, and (ii) a short adjournment of the briefing schedule for Defendant Christopher Beavor’s cross-motion to dismiss. Mr. Beavor consents to all of these requests.

As the Court is aware, Delphi originally commenced this action in New York Supreme Court, County of New York by filing a motion for summary judgment in lieu of complaint pursuant to CPLR 3213. Mr. Beavor filed his opposition to the motion for summary judgment on June 20, 2025, and Delphi’s reply brief in further support of its summary judgment motion is due on July 11, 2025, pursuant to the briefing schedule agreed upon by the parties and so ordered by the Court. (ECF No. 12.) On June 20, 2025, Mr. Beavor also filed a cross-motion for dismissal.

Delphi’s motion for summary judgment and Mr. Beavor’s cross-motion to dismiss may dispose of the action or substantially reduce its scope. Therefore, Delphi respectfully requests that the deadline for the parties to file a proposed discovery plan and to serve initial disclosures be adjourned,¹ and that discovery be stayed, until after the Court rules on those motions. We conferred with counsel for Mr. Beavor, and they consent to this request, without prejudice to Mr. Beavor’s position that summary judgment should be denied pursuant to FRCP 56(d).

¹ Neither party has previously requested an adjournment of these deadlines.

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In addition, the parties agreed, subject to the Court's approval, that Delphi's opposition to the cross-motion to dismiss shall be adjourned from July 7 to July 11, 2025 (the same date that Delphi's reply brief in further support of its motion for summary judgment is due) and that Mr. Beavor's reply shall be adjourned from July 14 to July 25, 2025. Neither party has previously requested an adjournment of the briefing schedule in connection with Mr. Beavor's cross-motion to dismiss.

Delphi does not request an adjournment of the initial pretrial conference scheduled for July 16, 2025, and looks forward to addressing any questions the Court might have at that time.

Respectfully submitted,



Patrick L. Robson

cc: All counsel of record (via ECF)

Application respectfully denied without
prejudice.

The Court will discuss the requests at the initial
hearing on July 16, 2025 at 9:00 a.m. in
Courtroom 17B.

SO ORDERED:

Date: 07/01/2025



Richard M. Berman, U.S.D.J.